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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON AT SEATTLE
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10 NORTHWEST LABORERS-EMPLOYERS
11 HEALTH & SECURITY TRUST, WESTERN
12 WASHINGTON LABORERS-EMPLOYERS
13 PENSION TRUST, NORTHWEST
14 LABORERS-EMPLOYERS TRAINING
15 TRUST, and WASHINGTON AND
16 NORTHERN IDAHO DISTRICT COUNCIL
17 OF LABORERS, and its affiliated Union Locals

18 NO.

19 COMPLAINT FOR BREACH OF
20 COLLECTIVE BARGAINING
21 AGREEMENT

22 Plaintiffs

v.

23 GREAT BASIN ENVIRONMENTAL, INC.,
24 an Oregon Corporation

25 Defendant

26 COME NOW PLAINTIFFS, and for their cause of action, allege as follows:

27 1. Plaintiffs Northwest Laborers-Employers Health & Security Trust, Western Washington
28 Laborers-Employers Pension Trust, and Northwest Laborers-Employers Training Trust (Trusts)
29 are joint labor-management employee benefit trusts created pursuant to
30 § 302(c)(5) of the Labor-Management Relations Act (the Act), 29 U.S.C. § 186(c)(5) and bring
31 this action in accordance with §§ 502(d)(1), 502(a)(3) and 515 of the Employee Retirement
32 Income Security Act of 1974 (ERISA), 29 U.S.C. § 1001, et seq.

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1 2. Plaintiff Washington and Northern Idaho District Council of Laborers and its affiliated
2 Union Locals (Union) is a labor organization that has its principal office located at 3909 164th
3 Street SW, Lynnwood, Washington.

4 3. Defendant Great Basin Environmental, Inc. (Employer) is engaged in business within
5 the jurisdiction of this Court, and such business affects commerce within the meaning of § 301(a)
6 of the Act, 29 U.S.C. § 185(a).

7 4. Jurisdiction is conferred on this Court by § 301(a) of the Act, 29 U.S.C. § 185(a) and
8 §§ 502(a)(3) and 502(e)(2) of ERISA, 29 U.S.C. § 1132(a)(3) and § 1132(e)(2).

9 5. At all times material the Employer and the Union and its affiliated Local 440 were
10 parties to a collective bargaining agreement (Labor Agreement) and Trust agreements, material
11 parts of which are attached to this Complaint as Exhibits A and B, respectively. Plaintiff Trusts
12 are third-party beneficiaries to the Labor Agreement.

13 6. The Employer has failed to abide by the terms and conditions set forth in the Labor
14 Agreement and Trust Agreements, and is and continues to be delinquent in the payment of fringe
15 benefit contributions, dues, and other wage deductions in the known amount of \$25,964.06 for
16 the period July 2009 through February 2010. As a result of this delinquency, the Employer also
17 owes liquidated damages of \$3,251.81, interest of \$10,733.44, and auditor fees of \$953.14. The
18 total known amount owing as of the filing of this Complaint is \$40,902.45, all of which is due and
19 payable under the terms of the Labor Agreement and Trust Agreements. The Employer's failure
20 to pay is also a violation of § 515 of ERISA, 29 U.S.C. § 1145.

21 7. Under the terms of the Labor Agreement and Trust Agreements to which the Employer
22 is bound, the Employer is also obligated to pay all liquidated damages in the amount of 15 percent

1 (15%) of the delinquent contributions owing, interest computed at the rate of 15 percent (15%)
2 per annum, and costs and expenses incurred, including reasonable attorney fees.

3 8. If judgment is entered by default, a reasonable attorney fees as of the date of this
4 Complaint is \$1,025.00.

5 WHEREFORE, Plaintiffs pray for the following relief:

6 (a) Judgment against Defendant Great Basin Environmental, Inc. for the period July
7 2009 through February 2010, fringe benefit contributions and wage deductions of
8 \$25,964.06, liquidated damages of \$3,251.81, interest of \$10,733.44, and auditor
9 fees of \$953.14;

10 (b) All costs and attorney's fees incurred; and

11 (c) Such other relief as the Court deems just and equitable.

12 DATED March 25, 2013

13 _____
14 /s/ Mary L. Stoll

15 Mary L. Stoll, WSBA No. 16446
16 Attorney for Plaintiff Trusts and Union
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